

REMARKSClaim Status

Claims 1-20 are pending in the application and are subject to election and restriction requirements.

Response to Restriction Requirement

The Examiner has required the Applicants, under 35 U.S.C. § 121, to elect a single disclosed invention for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the invention designated in the Office Action as Invention II. Claims 9--20 are drawn to this invention. This election is made with traverse.

Traversal of Restriction Requirement

Applicants traverse the indicated restriction requirement as being improperly made. The Office Action does not show that the inventions defined by the two groups are independent and distinct. The Office Action characterizes the inventions as being related as a product and process of use. This is not entirely correct, as Claims 1-8 (Group I), and Claims 9-15 (part of Group II) are all product claims. Claims 16-20 are indeed method claims.

All claims are disclosed in the specification as related in that they are various embodiments described and claimed for a top-biased beneficial composition on a substrate. Indeed, the placement of the beneficial composition on the substrate in one of the manners claimed is common to all of the claims of the present application.

The Office Action puts forth no showing of distinctness showing how these, admittedly related (i.e. not independent) inventions are distinct. The Office Action asserts that the article of Group I does not require the substrate to be present in layers, as is required for Group II. This is a mischaracterization of the claims. Layers are present in the *composition* of Group II not in the substrate. Indeed any of the described substrates can be used throughout any of the claims. Only the particulars of achieving the described desired top-biasing are differing in the various groups of independent claims and those which depend from each.

Without a sufficient showing of independence, or relatedness with proper showing of distinctness, the restriction requirement is improper and should be withdrawn.

SUMMARY

All of the requirements of the Office Action have been discussed.

No new matter has been added by the Amendment.

Applicants respectfully request examination of the remaining claims on the merits and that all of the claims be allowed.

Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,

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9/17, 2002
Cincinnati, Ohio